App. F IX-4

1930. (Jan to Dec)

File No. 25-30

Serial Nos. 1-2

Previous References

Misc 107-28-7-13

" 53-01 Sec 1 (Sh 1-4)

Later References

Misc 3-30-1-3

" 01 32-1-1

General and Revenue Secretariat.

Serial Nos. 2

Part B for July 1930

SUBJECT

Appeal petition of Syed Magdum Hussainee Shah Khadri in the matter of right to the management of the Baba Budan Dargah at Chickmagalur

No. 217 dated 26.7.30

To the Petitioners.

There are no reasons to reconsider the order already passed in the year 1902

This has nothing to do with Wakf. This need not be issued

Copy

10/9/30

General and Revenue Secretariat | Mug File No. 25 of 1930-31

Serial No.	
1.	Petition dated 3.7.30 from (i) Syed Magdum Hussaini Shah Khadri (ii) Syed Abdul Alli Hussain Shah Khadri (iii) Syed Karimulla Hussaini Shah Khadri. praying for a revision of the G.O: re. their right to the Mujavarship of Babakudan Darga in Chick-magalur, Taluk etc. 1) The claim of the petitioners to the mujavarship of the Darga was before Govt: several times and has been negatived several times. (vide discussion in the file put up below. Mug. 107-28) 2) They now approach Govt: with an advocate evidently wishing to be heard. The petitioner's request if granted, will involve reconsideration of orders passed so long back as 1902. 3) It is for orders whether the petition may be refused on the technical objection that the appeal is barred by limitation, or the party be informed that there are no grounds for reconsideration of

Note—Contn. Sheet

WD 02328 - GPB—10,000—22-4-30

Serial No.

4) Though the claim has been settled finally in the year 1902, the petitions from the party on this behalf have been entertained and negatived. Perhaps the petitioners may be informed that their request cannot be granted instead of rejecting the petition on the technical objection.

In fact, in the case of Akbar Shah Khadri of Chennapatna, the question of limitation was overlooked.

5) Subs for orders the advocate for the petts Mr MSK said he had a number of documents which were very valuable. He has kept them with him but he would produce them whenever wanted. If the case is proposed to be heard, the translation of these documents may be called for (some of the originals being in Hindustani) and the originals asked to be produced if necessary about the time of hearing.

MSK 8/7/30

8/7/30

1st Member

6) Please put up for orders

10/7/30

1st 11-7-30

Govt. of H.H. the Nizam's Exn. petn of Syed Mahomed Akbar Shah Khadri v Govt

The old records referred to in the petition are kept with me. They will be produced whenever required MSM 3/7/30

813/147

OFFICE OF THE F... 11 JULY 1930

30/ Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

General and Revenue Secretariat | Mug File No. 25 of 1930-1.

Serial No.

Mug. 33-01 (1-4)

7) Subd with the file as ordered by the Member.

15 MAR 1417.

First Member

15 JULY 1930 F 393

8) This case was settled so far back as 1902. The question of the claim of the several branches of the Manager's family to participate in the income of the endowments to the Institution was also considered then and this claim was definitely disallowed. The petition now under consideration refers to some old decisions and to family arrangements made by some previous Manager of the Institution. It is not necessary to verify any of these contentions as they do cannot affect the nature of the endowment or the arrangements for the management of the Institution. The cash and land endowments are Inam grants for the maintenance of the Institution and no private rights of any kind can be admitted in respect of them. Sannads, Orders or decisions anterior to the Inam Settlement cannot be given any consideration if they are opposed to such settlement. I do not think any useful purpose will be served by hearing the parties. An endorsement may

to support the representations made in ch

Note—Contn. Sheet

WD 02328- GPB—10,000—22-4-30

may be issued to say that representations of the kind were considered and disallowed so far back as 1902 and there are no reasons to re-consider the orders passed in that year.

16.7

17.7.30

1205-4/7

9. Subd with a draft Endt:

TS 17/7 NSK

Fl. secy)

19.7.30.

10 h 24/7/30

11

25.7.

To.

2. The Syed Magadum Hussainee Shah Khadri & others Doddaballapur Nakaboredi Kankanahalli Tk. through their advocate Mr M. Narayanarao B.A. B.L. Bangalore City

No 217 Dt. 26-7-30

In forwarding the petitioners that the representations of the kind were duly considered and disallowed so far back as 1902 and there are no reasons to re-consider the orders passed in that year.

B NSK 1.8.30

WD 01684—GPB—30,000—20-1-29

TWO RUPEES

Before The Government Of His Highness The

Maharaja of Mysore, BANGALORE.

Muzrai Revision Petn. No. of 30-31.

GENL. & REV. SECRETARIAT. 3 JUL 1930 44 MUZRAI.

Muz 25-30-1.

1. Syed Magdum Hussainee Shah Khadri, aged about 90 years;
2. Syed Abdul Alli Hussainee - Shah Khadri, aged about 85 years; &
3. Syed Karim Mulla Hussainee Shah Khadri, aged about 70 years;

All sons of Syed Razai Hussainee Shah Khadri, residing at Doddamaralavadi, Kankanahalli Taluq. } Petitioners.

-vs-

Syed Murthyuza Shah Khadri Muzavar, Bababudan Darga, Chickmagalur Taluq. } Opponent.

Under Section 22 of the Mysore Muzrai Regulation, the petitioners abovenamed beg respectfully to state and pray as follows:-

1. The right to the office of Sajjade and management of the affairs of the Guru - Dattatreya Bababudan Darga on the Baba Budan Hills at Chickmagalur has been the subject-matter of protracted litigation which has been fought between various parties in different Courts. As early as the year "Vikrutu" a hundred and fifty years back one Syed Athaulla Shah Hussainee claimed it under grant from his father-in-law, one Mahomed Moonudin

Shah Khadri alias Syeddu Sab who in turn traced it to his Guru Ismail Shah Khadri, who appears to have been originally installed by Hyder Ali in the Peeth. One Jamal Shah Khadri alleging that his father Buddan Shah Khadri was the adopted son of Ismail Shah Khadri preferred a rival claim and the matter was ultimately decided by Tippu Sultan who recognised the huk as belonging to both the lines and issued the Sannad dated the second day M.D. of the month of Phalguna in the year Nala. A Futwa declaring the joint-right was subsequently issued; and at the same time Tippu Sultan substantially extended the Jaghir of the Darga.

2. Subsequent to the fall of Tippu Sultan disputes arose between the parties in regard not only to the right and title but - as well to the mode of participating the profits and the new Government issued another Sannad in renewal of the old on the 9th day of the month of Monarum of the year Hizri - 1226; the same is signed by the Huzur Khazi and is followed up by a number of Nirupas and - those under dates 21-7-1810, 19-10-1810, 22-1-1818, 9-1-1819 and 6-12-1819 being some amongst others. But the litigation did not terminate till Mera Shah Khadri, son of Jamal Shah Khadri and Attaulla Shah Hussainee took a decision from the - Suddar Adalat Court on 6-1-1820 in Appeal from

the

the decision of the trial Court. In all these proceedings it has throughout been expressly recognised that the right to the menage ent belongs to and vests in both the parties.

3. Then, Mohadeen Shah Khadri son of late Shah Khadri obtained exclusive possession of the office in question during the minority of Syed Raza Hussainee, son of Attaulla Hussainee, who upon attaining majority filed a suit against him in the Senior Principal Sunsif's Court of Ashtagiar Division in O.S.No.200 of 1867 and got a decree for a third share of the produce from the jaghir and on appeal before the Huzur Adalat Court in Appeal No.30 of 1868, the parties to the litigation entered a Razin a and a decree was passed in accordance therewith and an annuity of Rs.200/-, as permanently and in perpetuity made payable thereunder by the party in possession of the Durga of Syed Raza Hussainee, his heirs and his descendants, however, from the funds of the Jaghir and the assets of the Durga were expressly charged with this liability, in default of payment the management of the Durga was to be delivered over to Syed Raza Hussainee, his heirs and descendants, by the party in possession thereof the opponent had

4. The opponent claims the office as the son's son of Mohadeen Shah Khadri aforesaid the petitioners are the sons of Syed Raza Hussainee, the annuity itself was being paid to

Syed Razai Hussainee during his life and to - the first petitioner for some time subsequent. It was also recovered through Court by attachment of the assets and body warrant in Execution Case No.19-403 on the file of the Assistant Judicial Commissioner, Kadur District. - The income due to the Darga from the village of Suraguppe and other properties such as houses, coffee-gardens & lands &c. were attached in the said Execution Proceedings.

5. The Judicial and Muzrai Departments were thereafter reorganised and their respective jurisdictions altered and transferred. In the - result the petitioners knew not the quarters from which to obtain relief or the forum to - litigate their claim or execute the decree. Besides the opponent and his uncle the late Sajjado Khan Bahadur Ghouse Shah Khadri were declared exempt from the processes of Court and it was impossible in the circumstances to execute the decree. Taking advantage of their position and privilege the opponent and his - predecessor-in-office evaded payment and arrears of annuity from the year 1880 downwards remain unpaid.

6. The petitioners approached the Government and the various Dewan Sahebs and the Officers concerned with petitions and memorials too numerous to be detailed, amongst them may be mentioned those dated 26-5-1893, 2-12-1893, 12-12-94,

and

and 18-1-1904. Endorsements were sent to the petitioners informing him that the matter was referred to the Inam Superintendent but the matter is left pending yet; and no question of adverse possession or enjoyment or barred by the rule of limitation can therefore arise. As a matter of fact the attachment of the kandayam from the village of **Suraguppe** and of other assets effected in the Execution Case is technically yet subsisting.

7. The petitioners have a recurring cause of action arising at each default and every year and by virtue of such default as per terms of razinama decree their right to management and possession of the Darga is renewed. In the alternative a large sum of money by way of arrears of annuity is due and arrangements are to be made to ensure future yearly payments.

8. On 25-7-1929 the second petitioner's son one Syed Shah Ali Hussaini Shah Khadri sought by a petition to enforce his right to the Muzavarship. But the learned Muzrai Commissioner was pleased on 10-1-1930 to state that he could not re-open the case as an Order No.1159 Muzrai F.35-01 dated 24-11-1902, the appointment of the opponent to the office of Sajjade was sanctioned by the Government. He **also observed** that the matter had already been litigated by the parties and concluded as aforesaid. This opinion of the learned Muzrai

Commissioner

Commissioner is recorded as No.1585 Muz-107-28-16 under date 24-1-1930. It is however submitted that the Syed Ali Hussainee Shah Khadri - who objected to the appointment of the opponent in the proceedings that ended in No.1159 Muz.F. 30- of 24-11-1902 is different from the Syed - Shah Ali Hussainee Shah Khadri above referred to as the son of the second petitioner.

9. The lower Court however has not considered the case in all its aspects or in - entirety and all the circumstances were not - urged nor facts furnished or made known.

10. The petitioners submit that all is not well with the Darga administration now and that the opponent has been making arrangements detrimental to the petitioners' claims, such as the effectuation of nominal conveyances of Darga - properties and of incomes therefrom, especially those that are liable to the petitioners' claim. A large sum of money is alleged to be due to - the Government for which a portion of the Darga Revenue is appropriated.

11. The petitioners are entitled by virtue of the opponent's default to urge their right to management and if for reasons of administrative - legislature, a consideration of their right ~~etc~~ to the office has to be postponed they - pray that the alternative relief may now be - granted. A sum at the rate of Rs.200/- per annum from

from the year 1880 is due to the petitioners with interest. They pray that the same may be ordered to be paid from the Darga Revenue. - They also pray that future annuity may be secured on the assets of the Darga and paid through the Muzrai Department.

12. The petitioners are aggrieved by the Muzrai Commissioner's observation as set forth above and extreme injustice has been done to them. The petitioners are helpless old people. They respectfully pray that the records be called for, revised and suitable arrangements - made.

(1) سید مخدوم حسینی شاہ قادری

(2)

(3) سید کریم قادری

(1) sd. Syed Maqdum Hussein Shah Khadri
(2) " Syed Abdul Ali Hussain Shah Khadri
(3) " Syed Karim Mulla Hussain Shah Khadri
Agreeable

Narayana Rao.
Amravati
- 3 7/30.

ಟಿಕೂ T O-RUPEES ಟಿಟಿ-೪

In the Court of
the Subordinate Judge at Bellary. In the Court of the Maharaja of Mysore
at Bangalore ಕೋರ್ಟಿಗೆ

1930 —31 ನೇ Orig Rev ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್.

Syed Maqdum Hussain Sha Khadri and others

Vs

ಪ್ರತಿವಾದಿ ಯಾ ಆಪ್ಪೋನೆಂಟ

Nur Hussain Shah and Khan

ಮಾ|| ರಾ|| B. SUBBANNA B. A., B. L. ADVOCATE, ಯವರಿಗೆ.
M. Narayana Rao m/s M. Narayana Rao & Co Advts

ಹೆಸರು ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನಪರವಾಗಿ ಆಬ್ಜೆರುನರುವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆಡ್ರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರನು ನಡಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸ್ಲಬ್ಸಿಡಿಯಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಖಿಲ್ಲುಮೊಬಲಗು ರಿಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತ್ರೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸ್ಸು ಪಡೆಯುಲಿಕ್ಕೂ ಸಹ ತನಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ನನಗಾಗಿ ನೀವುನಡಬಹುದಾದ ಎಲ್ಲಾ ಕೋರ್ಟು ಖರ್ಚು ಗಳಿಗೂಮತ್ತು ನನ್ನಿಂದ ನಿಮಗೆಸಲ್ಲಬೇಕಾದ ಬಾಕಿಫಿ ಜೆಗೂ ನ ನು ಬದ್ಧನಾಗಿರುವುದಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮ್ಮೇಸ್ತರ ಮತ್ಯಾನ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಬಿಟ್ಟಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಫೇನೆ.

Syed Maqdum Hussain Sha Khadri and others

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷವು ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈವೇಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿಇದೇನೆ

ತಾರೀಖು Accepted Narayana Rao. 3/7/30

ಶ್ರೀ ನಂದೀಶ ಭಾರತೀ ವಿಲಾಸ ಪ್ರೆಸ್, ಬಿ. ಸಿಟಿ.

As per orders dated 17.10.30 Dnos 4423&4443) in Immgn. file No 9-30

The copy of Dno 1159/Immg 7 33. dated 24th Nov 1902 has been detached and returned to the Sub Collector, Paddamandala vide. dt 29/10/30.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read.-

Government order No. 1159 Mugrai file 33-01 dated the 24th November 1902 recognising the succession of Syed Mortyuza Sha Khadri (son of Murad Sha Khadri) as Sajjada or manager of Guru Dattathreya Bababudaneswami Darga, in the Chikmagalur Taluq.

2 Petition dated 25th July 1929 from Syed Ale Hussaini of Doddamasalavadi, Kankanhalli Taluq, urging his claim to the Mujavarship of the said Darga.

3. Correspondence ending with letter No. C.2-195/28-29 dated the 7th/10th January 1930 from the Mugrai Commissioner in Mysore reporting that Mr. Syed Sha Ali Hussaini, the petitioner and the present

forecast Sajjada Nr. Syed Murtyuza Sha Khadri, were examined in connection with the petitioner's claim to the Muzavarship of the Bababudan Darga and that in the face of Government order Nr. 1159/Muzrai 33-01 & dated the 24th November 1902, read above, there is no necessity to re-open the case now

Order Nr. 1585/Muz. 107-28-13

dated, Bangalore, the 24th January 1930

Recorded.

Sd/- B. Srinivasa Iyengar,
Secretary to Government
Financial Department.

To the Muzrai Commissioner
in Nrupoor, Bangalore
returning records

"Copy"

B. Srinivasa Iyengar
for Secretary to Government
Financial Department

Copy applied for by Syed Sha Ali Hussaine
" presented on - 21.3.30.
" Ready on 2-4-1930
" delivered on 2-4 1930
Nr of words 180.
Copying charges - 0-5-0.
Copied by -
Compared by -

26th July 30

217 July -

Endorsement granted to Mr. Syed Magdum Hussainee Shah Khadri and others through their Advocate Mr. M. Narayana Rao, M.A., B.L. Bangalore City.

With reference to their petition dated 3rd July 1930 in the matter of their right to the management of the Bababudan Darga at Chickmagalur, the petitioners are informed that representations of the kind were duly considered and disallowed so far back as 1902 and there are no reasons to reconsider the orders passed in that year.

By order,
26.7.30
for Secretary to Government,
Financial Department.

-C.S. 24/7
Issued 27/7

C.R.G.

Section Misc.

File No. 2 - 3

Serial No. 2 - -

No. 217

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

Endt: granted to

Mr. Syed Magdum Husseinee Shah Khadri and others thro their advocate Mr. M. Narayana Rao. M.A; B.L.

Date of issue 26-7-30

Signed by Mr V.S Sastry

With reference to their petition dated 3rd July 30, ~~praying that~~ in the matter of their rights to the management ~~office of Sajjade or mujawarship~~ of the Baba Fakhruddin Dargah at Chickmagalur ~~be accepted, their alternative request for the grant~~

over

List of enclosures.....

Copied by.....

Examined by.....

WD 063—GPB—20,000—1-8-29

~~In view of the Gaiety Theatre~~
~~In the Durga etc~~ revenue matter sanctioned with ~~the~~ the petitioners
are informed that representations of the kind
~~in regard to the participation in the~~
~~income of the endowments in~~
~~the institutions have been~~
were duly
~~definitely~~ considered and
disallowed so far back as
1902 and there are no reasons
to reconsider the orders passed
in that year.

By order

19.7.30

~~For~~ Jt: Secy. to Govt
GS 17/7